

REMARKS

This application has been reviewed in light of the Office Action dated November 21, 2008. By the present amendment, Claims 1, 3-5, 14, 16, 20, and 32 have been amended, and Claims 6 and 23 have been cancelled without prejudice (with Claim 18 having been cancelled in a previous amendment). Claims 1-5, 7-17, 19-22, and 24-36 are pending in the application. No new matter has been added. The Examiner's reconsideration of the rejection in view of the foregoing amendments and the following remarks is respectfully requested.

Initially, it is mentioned that a telephone interview was conducted on December 10, 2008 between the Examiner, namely Mr. Douglas C. Godbold, and the Applicants' representative, namely Gaspare J. Randazzo. During the telephone interview, the Examiner indicated that the proposed amendments would seem to overcome all the cited references, and that the claims would be allowable subject to a further search. Accordingly, the amendments described herein are in accordance with the suggestions proposed to the Examiner during the telephone interview.

By the Office Action, Claims 1-15 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claim 1 has been amended to now recite, *inter alia*, "identifying acoustic data segments in the utterance that are data parts of at least the at least one implicit command based on the acoustic word boundaries and using at least the different recognition vocabulary". Support for the above amendment to Claim 1 may be found at least at page 8, line 10 to page 10, line 7 and page 28, line 4 to page 30, line 7 of the Applicants' specification. For example, cited page 9, lines 4-10 of the Applicants' specification disclose the following:

The second utterance includes a subtler, implicit command. The part of the utterance “His number is” is best treated as a command to change the recognition vocabulary to a number recognition vocabulary. The voice data within the utterance is the sound of the spoken “six six six, one two three four” which should be processed in conjunction with the number recognition vocabulary.

Hence, Claim 1 is believed to now satisfy 35 U.S.C. 112, first paragraph. As Claims 2-15 were rejected due to their respective dependencies from Claim 1, it is also believed that Claims 2-15 now satisfy 35 U.S.C. 112, first paragraph, for at the least the same reasons as set forth above with respect to Claim 1. Hence, reconsideration of the rejection is respectfully requested.

Claims 16, 17, 19, 24-29, and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,434,529 to Walker et al (hereinafter “Walker”) in view of U.S. Patent No. 6,400,652 to Goldberg et al. (hereinafter “Goldberg”). Moreover, Claims 20, 23, and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Walker in view of Goldberg as applied to Claim 16, and further in view of U.S. Patent No. 6,839,670 to Stammller (hereinafter “Stammller”). Also, Claims 21 and 22 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Walker in view of Goldberg as applied to Claim 1, and further in view of U.S. Patent No. 6,434,520 to Kanevsky et al. (hereinafter “Kanevsky”). Additionally, Claims 32–36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over

Walker, in view of U.S. Patent Publication No. 2002/0111803 to Romero (hereinafter “Romero”) and further in view of U.S. Patent No. 5,544,654 to Murphy (hereinafter “Murphy”).

The independent claims in the case are Claims 1, 16, and 32. Also, it is noted that Claims 1-15 were NOT rejected under 35 U.S.C. §102 or §103. Further, as noted above, Claim 23 has been cancelled.

As noted above, Claims 16 and 32 have been amended. Support for the amendments to Claim 16 may be found at least at page 9, lines 4-10 and page 36, lines 2-4 of the Applicants’ specification. Support for the amendment to Claim 32 may be found at least at page 8, line 10 to page 10, line 7 and page 28, line 4 to page 30, line 7 of the Applicants’ specification.

It is respectfully asserted that none of the cited references, either taken singly or in any combination, teach or suggest the following limitations now recited in amended Claim 16:

extracting at least one explicit command and at least one implicit command from the utterance; and

executing the at least one implicit command;

wherein the at least one explicit command is extracted using a current recognition vocabulary, and said step of executing the implicit command includes changing a recognizer vocabulary, and

wherein the method further includes decoding undecoded information in the acoustic voice data using the changed recognizer vocabulary.

Moreover, it is respectfully asserted that none of the cited references, either taken singly

or in any combination, teach or suggest the following limitations now recited in amended Claim 32:

at least one program that identifies explicit commands and implicit commands in the utterances, executes label-identified ones of the explicit commands and the implicit commands, and processes remaining portions of the utterances including processing audio data parts of the implicit command separately from the explicit commands using a different vocabulary, the vocabulary being selected in accordance with the at least one implicit command.

Thus, each of Claims 16 and 32 requires an explicit command and an implicit command. Each of the cited references fails to mention “explicit commands” and “implicit commands”, let alone using a different recognition vocabulary responsive to the implicit command, as essentially recited in each of Claims 16 and 32. In fact, the phrases “explicit command” and “implicit command” do not appear even once in any of the cited references.

Hence, none of the cited references, either taken singly or in any combination, teach or suggest all the above recited limitations recited in independent Claims 16 and 32.

“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art” (MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious” (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Thus, Claims 16 and 32 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above.

Claims 17, 19-22, and 24-31 depend from Claim 16 or a claim which itself is dependent from Claim 16 and, thus, include all the limitations of Claim 16. Claims 33-36 depend from Claim 32 or a claim which itself is dependent from Claim 32 and, thus, include all the limitations of Claim 32. Accordingly, Claims 17, 19-22, and 24-31 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claim 16, and Claims 33-36 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claim 32.

Reconsideration of the rejections is respectfully requested.

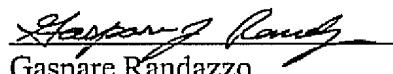
In view of the foregoing amendments and remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's IBM Deposit Account No. 50-0510.

Respectfully submitted,

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